

REMARKS

Claims 21, 32, 40 and 42 are amended. Claims 21-28, 32-37 and 40-46 are pending in the application.

Claims 21-28, 32-37 and 40-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various cited combinations of the following references: Dunlop, U.S. Patent No. 5,809,393; Xu, U.S. Patent No. 6,451,179; Takashima, U.S. Patent Application Publication No. 2002/0014406; Ueda, U.S. Patent No. 5,541,007; and Legresy, U.S. Patent No. 5,160,388. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Pending claims 21-28, 32-37 and 40-46 are allowable over the various cited combinations of Dunlop, Xu, Takashima, Ueda and Legresy for at least the reason that the references, individually or as combined, fail to disclose or suggest each and every element in any of those claims.

As set forth in applicant's previous response, none of the cited references, individually or in combination, disclose or suggest the recited materials containing at least one element selected from the recited lists. The Examiner indicates throughout the present Action and specifically at page 10, that applicant's previous arguments were considered non-persuasive because the range of elements cited in the independent claims of "less than or equal to 1000 ppm" is inclusive of 0 ppm. The Examiner states that although the references or combinations thereof do not teach any of the elements recited in the listed groups of elements they teach "substantially 0" which meets the limitation of

“less than or equal to 1000 ppm”. Without admission as to the propriety of the Examiner’s rejection, independent claims 21, 32, 40 and 42 are amended to recite “from greater than 0 ppm to less than or equal to 1000 ppm of the specifically listed group of elements. Since the references, individually or as combined, fail to disclose or suggest the recited elements, independent claims 21, 32, 40 and 42 are allowable over the various cited combinations of Dunlop, Xu, Takashima, Ueda and Legresy.

Dependent claims 22-28, 33-34, 41 and 43-46 are allowable over the various cited combinations of Dunlop, Xu, Takashima, Ueda and Legresy for at least the reason that they depend from corresponding allowable base claims 21, 32, 40 and 42.

With respect to independent claim 35, applicant notes that such recites a target comprising aluminum, at least one dopant selected from the first recited group of elements, and at least one element selected from a second recited group of elements. Accordingly, the target of claim 35 must comprise at least some of one or more of the elements recited in the first group and at least some of one or more of the elements recited in the second group. The cited references, alone or in combination, do not teach or suggest the presence of any of the group of elements. Accordingly, independent claim 35 is not rendered obvious by the various cited combinations of Dunlop, Xu, Takashima, Ueda and Legresy and is allowable over these references.

Dependent claims 36 and 37 are allowable over the various cited combinations of Dunlop, Xu, Takashima, Ueda and Legresy for at least the reason that they depend from allowable base claim 35.

For the reasons discussed above pending claims 21-28, 32-37 and 40-46 are allowable. Accordingly, applicant respectfully requests formal allowance of such pending

claims in the Examiner's next action.



Respectfully submitted,

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